

FILED

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

DEC 3 1 2003

**NEBRASKA DEPARTMENT
OF INSURANCE**

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE,

PETITIONER,

VS.

CHARLES D. DAVIS,

RESPONDENT.

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
RECOMMENDED ORDER AND
ORDER**

CAUSE NO. A-1524

This matter came on for hearing on the 30th day of December 2003 before Eric Dunning, a hearing officer duly appointed by the Director of the Nebraska Department of Insurance. The Nebraska Department of Insurance ("Department") was represented by its attorney, Michael Boyd. Charles D. Davis, ("Respondent"), was not present and was not represented by an attorney. The proceedings were tape recorded by Tracy Gruhn, a licensed Notary Public. Evidence was received, and the matter was taken under advisement. As a result of the hearing, the hearing officer makes the following Findings of Fact, Conclusions of Law, and Recommended Order.

FINDINGS OF FACT

1. Respondent is a licensed resident Nebraska insurance producer whose current registered address with the Department is National Health Insurance Company, 13520 Discovery Drive, #206, Omaha, Nebraska, 68137, and whose registered home address is 1021 West E Street, North Platte, Nebraska, however correspondence sent to the home address has been returned to the Department by the United States Postal Service indicating the forwarding address as 151 N. Oak Street, Ainsworth, Nebraska 69210.

2. The Department is the agency of the State of Nebraska charged with licensing insurance producers.

3. On or about December 8, 2003 the Petition and Notice of Hearing were served upon the Respondent by mailing the same to his home forwarding address as reported by the United States Postal Service and business address of record by certified mail, return receipt requested. In addition, the Petition and Notice of Hearing were mailed to the home forwarding address as reported by the United States Postal Services via First Class United States Mail. Both of the letters sent certified mail were returned to the Department, one s "Return to Sender, Unable to Forward" and the other as "Unclaimed". The letter sent to the home forwarding address has not been returned to the Department. All of the findings in this paragraph are evidenced by Exhibit #1.

4. On May 8, 2003 the Director of Insurance signed an Order in Cause No. A-1490. In A-1492 Respondent was required to pay an administrative fine of \$2000 within thirty (30) days of the date of the Director's signature for violations of Neb. Rev. Stat. §§ 44-4059(1) (g), 44-1524, and 44-1525(11).

5. Respondent failed to pay the \$2,000 fine as evidenced by Exhibit #2.

6. On October 6, 2003, the Director of Insurance signed an Order in Cause No. A-1514. In A-1514, Respondent was found to have violated Neb. Rev. Stat. §44-4059(1)(b) for failing to pay a \$2,000 fine levied against him by an order of the director issued May 8, 2003 in Cause A-1490. Respondent had his insurance producer license suspended for one year and was fined an additional \$1,000. That \$1,000 fine, as well as the previous \$2,000 fine levied in A-1490, were to have been paid within thirty (30) days after the adoption of the order in A-1514 by the director. Both of those fines have not been paid as of the close of business on December 5, 2003.

7. Respondent failed to comply with the Order issued in cause number A-1514 as evidenced by Exhibit #5.

CONCLUSIONS OF LAW


1. The Department has jurisdiction and control over the licensing of Respondent to sell insurance in the State of Nebraska pursuant to Neb. Rev. Stat. §44-101.01 and §44-4001 et seq.
2. The Department has personal jurisdiction over Respondent.
3. The Respondent violated Neb. Rev. Stat. §44-4059(1)(b) by failing to pay the administrative fine when due.

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that the Respondent's insurance producers license shall be revoked as of the date the Director of Insurance signs this Order. The Nebraska Department of Insurance shall retain jurisdiction of this matter for the purpose of enabling the Respondent or the Department of Insurance to make application for such further orders as may be necessary.

Dated this 30th day of December 2003.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE


Eric Dunning, Hearing Officer


CERTIFICATE OF ADOPTION

I have reviewed the foregoing Findings of Fact, Conclusions of Law, and Recommended Order and hereby certify that the Recommended Order is adopted as the official and final Order of

this Department in the matter of *State of Nebraska Department of Insurance v. Charles D. Davis*,
Cause No. A-1524.

Dated this 31st day of December 2003.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



L. TIM WAGNER
Director of Insurance

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Findings of Fact, Conclusions of Law, Recommended Order, and Order was served upon the Respondent by mailing a copy to Respondent at National Health Insurance Company, 13520 Discovery Drive #206, Omaha, Nebraska, 68137 and 151 N. Oak Street, Ainsworth, Nebraska 69210, by certified mail, return receipt requested, on this 31st day of December 2003.

